

HCS HB 374 -- FIREFIGHTER'S RULE

SPONSOR: Byrd

COMMITTEE ACTION: Voted "do pass" by the Committee on Judiciary by a vote of 18 to 0.

This substitute changes the "firefighter's rule" by allowing firefighters, police officers, or emergency medical personnel who are injured in the line of duty to recover damages from the person whose reckless, malicious, or willful act or omission caused the injury. The firefighter's rule provides that a firefighter brought in contact with an emergency situation who is injured in the line of duty may not recover against the person whose ordinary negligence created the emergency. See *Gray v. Russell*, 853 S.W.2d 928, 930 (Mo. banc 1993).

FISCAL NOTE: Not available at time of printing.

PROPOSERS: Supporters say that current law is unfair to emergency responders because others can file legal actions against landowners, but the rule limits the responders' ability to file those actions when they are injured in the line of duty. Also, taxpayers must absorb the costs of these injuries when the liable person should be responsible for the costs.

Testifying for the bill were Representative Bishop; Kansas City Fire Department; Missouri State Council of Firefighters; International Association of Firefighters, Local 42; and Missouri AFL-CIO.

OPPOSERS: There was no opposition voiced to the committee.

Julie Jinkens McNitt, Legislative Analyst